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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,  
12  
13 Plaintiff,  
14 v.  
15 JAVIER AGUILERA ROSAS  
16 Defendants.

Case No. 2:24-MJ-0082-AC

STIPULATION AND ~~PROPOSED~~ PROTECTIVE  
ORDER REGULATING DISCOVERY

17 Pursuant to Federal Rule of Criminal Procedure 16(d), the United States, by and through Special  
18 Assistant U.S. Attorney NICOLE MOODY, Defendant JAVIER AGUILERA ROSAS, by and through  
19 his counsel of record, MICHAEL HEUMANN (“Defense Counsel”), stipulate and agree, and  
20 respectfully request that the Court order as follows.

21 1. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of  
22 Criminal Procedure, and its general supervisory authority.

23 2. The Government has in its possession discovery that may be required under its discovery  
24 obligations, but even if not required, may facilitate the Defendants’ trial preparation.

25 3. Some of this discovery material consists of documents and photographs that contain  
26 personal identifiable information (PII), including individuals’ names, social security numbers, dates of  
27 birth, and addresses.

28 4. Any discovery containing PII will be considered “Protected Material” as described in this

1 stipulation and order, as will any other discovery marked as Protected Material.

2         5.       The purpose of this stipulation and order is to establish the procedures that must be  
3 followed by Defense Counsel, any designated employees, and any other individual who receives access  
4 to any Protected Material in this case and the information therein.

5         6.       The Government shall produce the Protected Material to Defense Counsel, designating  
6 the discovery with the bates prefix, "ROSAS\_PM\_." This discovery, and any subsequent material  
7 discovered by the Government to Defense Counsel using the bates-prefix, shall be considered Protected  
8 Material.

9         7.       All Protected Material in this case is now and will forever remain the property of the  
10 Government. It is entrusted to Defense Counsel only for purposes of representing his Defendant during  
11 the pendency of this case.

12         8.       Defense Counsel shall not give any Protected Material to any person other than Defense  
13 Counsel's staff assisting in preparation of the present case. The term "staff" shall explicitly include only  
14 attorneys, paralegals, legal assistants, retained experts, and investigators assisting Defense Counsel in  
15 the present matter. The term excludes any other defendant in this matter (uncharged or otherwise) or  
16 any other pending matter against the Defendants; any person involved in any case in which discovery  
17 concerning the Defendants is produced; and any other person other than those specifically authorized to  
18 see Protected Material under this paragraph.

19         9.       Any person receiving access to the Protected Material from Defense Counsel shall be  
20 bound by the same obligations as Defense Counsel and, further, may not give any Protected Material to  
21 anyone.

22         10.      No members of any of the Defendants' family, friends of the Defendants, personal or  
23 professional associates of the Defendants, or any other person affiliated with the Defendants shall be  
24 given access to any Protected Material or its contents in any manner, for any reason.

25         11.      Defense Counsel may make copies of Protected Material and may take written or typed  
26 notes summarizing it in connection with preparation of the case. If necessary to the litigation of the  
27 instant matter, Defense Counsel may also have audio or video forms of Protected Material transcribed.  
28 All notes, copies, duplicates, summaries, transcripts, or other representations of or concerning the

1 information in the Protected Material comprises “Protected Material” itself, must be affixed with the  
2 corresponding bates numbers and the “Protected Material” ledger, and is subject to all terms of this  
3 stipulation and order.

4 12. Defense Counsel shall maintain a list of persons to whom any Protected Material is being  
5 or has been given. Such persons shall be provided with a copy of the executed version of this stipulation  
6 and order, shall sign their full names to a copy, and shall in writing acknowledge that they understand its  
7 terms and are bound by it. If Defense Counsel is replaced for any reason, or if new counsel is appointed  
8 in any phase of the matter, the new counsel shall not have access to any Protected Material until and  
9 unless they sign a copy of this stipulation and order, under the terms described in this paragraph.

10 13. Defense Counsel may use the Protected Material in the defense of his Defendant in the  
11 instant case in any manner deemed essential to adequately represent him (*i.e.*, in motions that are filed  
12 under seal, if necessary; in *ex-parte* applications as may be needed; and in reproducing and summarizing  
13 Protected Material for use in trial preparation summaries, exhibits and as evidence, as may be needed),  
14 consistent with this stipulation and order as it shall be originally prepared and signed.

15 14. In the event Defense Counsel needs to use any Protected Material in a manner not  
16 authorized under this stipulation and order, Defense Counsel is entitled to seek to have this stipulation  
17 and order amended by the District Court, after having given notice to counsel for the Government, in a  
18 hearing before the District Court, in order to meet the obligations under the Sixth Amendment to the  
19 United States Constitution.

20 15. Defense Counsel and any authorized members of Defense Counsel’s staff are authorized  
21 to review with the Defendant the contents of the Protected Material. Defense Counsel and authorized  
22 members of his staff, however, are prohibited from in any way giving the Defendant any Protected  
23 Material or any memorialization of the content of any of it, such as: any of the Protected Material itself;  
24 copies of any of the Protected Material; copies of excerpts of any of the Protected Material; or

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1 summaries of any of the Protected Material. This prohibition will not extend to the Defendant viewing  
2 the Protected Material in open court should any of these materials or summaries thereof be used in the  
3 litigation of this case.

4 Respectfully Submitted,

5 PHILLIP A. TALBERT  
6 United States Attorney

7 DATE: July 16, 2024

8 /s/ NICOLE MOODY  
9 NICOLE MOODY  
Special Assistant U.S. Attorney

10 DATE: July 16, 2024

11 /s/ MICHAEL HEUMANN  
12 MICHAEL HEUMANN  
13 Counsel for Javier Aguilera Rosas  
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**ORDER**

Based upon the agreement of the parties and pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, the Court adopts the proposed stipulation regulating certain discovery in this case. IT IS HEREBY ORDERED that each of the terms described in the stipulation of the parties shall govern the Protective Material as defined in the stipulation in this case.

**IT IS SO ORDERED.**

Dated: July 19, 2024



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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE